

Social Security contributions off-limits to the government in individual Social Security accounts. And we can invest in broad-based tax relief that will help fuel economic growth so that we not only have the means to safeguard Social Security and Medicare for future generations, but the resources to balance the budget without relying on Social Security.

The healthy and growing economy of the last year did what the big tax increases of 1993 and 1990 could not do. It has produced the surge in revenues that has nearly closed the gap between government revenues and expenditures. And it has validated what many of us have said for some time: Reduce the tax burden imposed on the American people, and the economy will flourish and produce the revenues we need to solve our budget problems.

Let us really put Social Security first, and let us provide broad-based tax relief. Those objectives should top our agenda for the year.●

#### JUDICIAL VACANCIES

● Ms. MOSELEY-BRAUN. Mr. President, today, my colleague from Illinois, Senator DURBIN, and I are recommending that President Clinton nominate David Herndon and Jeanne Scott for federal judgeships in the Southern and Central Districts of Illinois. David Herndon has been a highly respected Illinois Circuit Court judge since 1991. Prior to that, he practiced for 14 years, developing a real expertise in complex litigation. Jeanne Scott has served as an Illinois state judge for 18 years. She is currently the Division Chief for Civil cases in Sangamon County. She has a sterling reputation as a dedicated and fair judge. She will be the first female federal judge in the history of the Central District of Illinois. It is therefore an appropriate moment for me to say a few words about a matter of critical importance: the exceptionally large number of judicial vacancies in our federal court system.

Currently, there are 83 vacancies in the federal judiciary. This accounts for approximately one out of every ten federal judges. Twenty-five of the vacancies have been in existence for 18 months or longer and are therefore regarded as "judicial emergencies." Over one-third of the seats in the U.S. Court of Appeals for the Ninth Circuit are vacant. As of last year, the average number of days from nomination to confirmation was at a record high of 183.

Illinois presently has seven vacant judgeships. One of these, in the U.S. District Court for the Southern District of Illinois, dates back to November of 1992. Another, in the Central District, dates back to October of 1994. Two of the nominees for these vacancies are awaiting action by the Senate Judiciary Committee and two are awaiting action by the full Senate. In the Southern District, the chief judge went for more than a year without having time to hear a single civil case be-

cause his criminal docket was so full. In the Central District, major civil trials have had to be postponed because of the shortage of judges. Commenting on the imminent retirement of a third judge in his district, Marvin Aspen, the chief judge of the Northern District, recently told the Chicago Sun-Times that "if Congress does not move quickly . . . in a short time we could have a serious backlog." Last week, Judge Aspen called the number of judicial vacancies nationwide "an unprecedented scandal."

As Chief Justice Rehnquist stated in his 1997 Year-End Report on the Federal Judiciary, "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." The Chief Justice placed much of the blame squarely on the Senate. He said, "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed during 1994."

By failing to move expeditiously on judicial nominations, the majority party in the Senate is failing to live up to its responsibilities to the American people. President Clinton has made 91 judicial nominations during the 105th Congress, but the Senate has confirmed only 39 of these individuals. As the Chicago Tribune editorialized last month, "If Republicans don't like the choices, let the Senate debate them and vote them down. Doing nothing, as the Senate has done lately, is cowardly and cynical."

Worse yet, it is affecting the quality of justice in the United States. The increase in the number of judicial vacancies in combination with the growth in criminal and civil filings has created a huge backlog of federal cases. According to Chief Justice Rehnquist, since 1990, the number of cases filed in courts of appeals has increased by 21 percent and those filed in district courts have grown by 24 percent. There was a five percent increase in the criminal caseload in 1997. This resulted in the largest federal criminal caseload in 60 years.

According to the Administrative Office of the U.S. Courts, the number of active cases pending for at least three years rose 20 percent from 1995 to 1996. According to the most recent data provided by the Department of Justice, there are more than 16,000 federal cases that are more than three years old.

Time magazine wrote last year that "some Republicans have as much as declared war on [President] Clinton's choices, parsing every phrase they've written for evidence of what they call judicial activism." This has discouraged qualified candidates from subjecting themselves to the confirmation process. For instance, last September, Justice Richard P. Goldenhirsch of the Illinois Court of Appeals, withdrew his

name from consideration for a federal judgeship, stating that, because of the "poisoned atmosphere of the confirmation process, my nomination would be pending for an indefinite period of time." He stated that the protracted nature of the process was "particularly unfair to the people of the Southern District of Illinois, who deserve a fully staffed court ready to hear their cases."

In condemning President Clinton's judicial nominations, one of my Republican colleagues described the judicial branch last year as being full of "renegade judges, [who are] a robed, contemptuous intellectual elite." And in explaining why the confirmation of a California appeals court judge had been delayed for two years, a senior member of the Republican majority stated, "If you want to blame somebody for the slowness of approving judges to the Ninth Circuit, blame the Clinton and Carter appointees who have been ignoring the law and are true examples of activist judging."

The President's record of judicial appointments belies any assertion that he has sought to stack the federal judiciary with the types of judges referred to by my colleagues. The New York Times commented last year that what "may be most notable about Clinton's judicial appointments may be reluctance to fill the court with liberal judges." The Times noted that a statistical analysis by three scholars "confirms the notion that the ideology of Clinton's appointees falls somewhere between the conservatives selected by [Presidents] Bush and Reagan and the liberals chosen by President Carter." The Times quoted an author of the study, Professor Donald Songer of the University of South Carolina, as stating that Clinton's appointments were "decidedly less liberal than other modern Democratic presidents." Professor Songer stated that, from an ideological standpoint, President Clinton's judges were most similar to judges selected by President Ford.

Republican members of the Senate thus cannot claim that they are safeguarding the judiciary from liberal jurists. Indeed, it is they who, in the words of Time magazine, are currently engaged in "what has become a more partisan and ideological examination of all judicial nominees." As my colleague from Vermont, Senator LEAHY, stated last September, the "continuing attack on the judicial branch [by Republican Members of Congress], the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts around the country, and widespread threats of impeachment [against federal judges] are all part of a partisan ideological effort to intimidate the judiciary."

Mr. President, Chief Justice Rehnquist has called the independence of the judiciary "the crown jewel of our system of government." Our courts are

revered around the globe precisely because of their ability to administer justice impartially and without regard to the prevailing political climate. Republicans in Congress are seeking to undermine judicial independence and freedom of action. A key element of their strategy has been to put a choke hold on the process of confirming nominees sent by President Clinton. This state of affairs must not be allowed to continue. As Chief Justice Rehnquist has stated, "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or down." Let the Senate heed the words of the Chief Justice and commit itself to enabling the federal judiciary to be, as the Supreme Court pediments proclaim, the guardian of our liberty and the guarantor of equal justice under the law.●

#### A TRIBUTE TO CADET CAPTAIN GUY PRYOR

● Mr. FRIST. Mr. President, Cadet Captain Guy Pryor, a student at Haywood High School, in Brownsville, Tennessee, will soon be honored by the Air Force Junior Reserve Officer Training Corps with its highest honor, the Cadet Gold Valor Award. Cadet Pryor is receiving this award for his heroic efforts on Sunday, December 19, 1997, as he attempted to save the life of an automobile accident victim.

Cadet Pryor and his friends left a Sunday evening church party in Jackson when they came upon the scene of an accident, a head-on collision. One of the cars in the accident, a Toyota pickup, was already engulfed in flames, lying in a ditch, having rolled about 100 feet from the crash site. The man trapped in the vehicle was desperately calling for help.

Without hesitating, Cadet Pryor ran to the truck, and began pulling at the passenger door. Those watching cautioned him that the truck might well explode at any moment, and called for him to move from the truck. The flames were already so hot Cadet Pryor's palms burned, and an onlooker threw him a coat to better insulate his hands against the fire.

Cadet Pryor succeeded in pulling the man from the truck just as paramedics arrived. Unfortunately, the victim, Hugh Rainey Pegram of Jackson, died on the way to the hospital, and our hearts go out to his loved ones. Cadet Pryor was taken to the hospital for treatment of his burned hands and released.

So often we do not hear about our young people who distinguish themselves. Cadet Pryor is a hero in the truest sense of the word because at great peril to himself, he gave willingly and without question to a fellow human being in need. His spirit of service and selflessness is an example for all of us to emulate.

This recognition from the Air Force Junior Reserve Officer Training Corps

is a wonderful testament to Cadet Pryor's bravery that Sunday night. The Cadet Gold Valor Award brings honor to Cadet Pryor and his family, and also to the outstanding Tennessee 944th unit of the Junior ROTC at Haywood County High School. Cadet Pryor's story is an inspiration to us all, and I am proud to be his United States Senator.●

#### NATIONAL AFRICAN AMERICAN CREED

● Mr. BENNETT. Mr. President, I submit for the RECORD the following National African American Creed, written by one of my constituents, Mr. Terry Harris. Mr. Harris is an active member of the National Association for the Advancement of Colored People (NAACP), and has presented this creed before the NAACP Executive Board. Mr. Harris' National African American Creed challenges people to make a difference beginning with themselves. In particular, Mr. Harris encourages other African Americans to eschew drugs and gang violence, gain an education, display kindness, and support our country. I commend Mr. Harris on his interest in helping others.

The material follows:

##### THE AFRICAN AMERICAN CREED

(By Terrance Harris)

I, the African American, man, woman, child—son and daughter and great-grandchild of slaves, descendant of Africa and child of God, no longer have to search to find my place in this world.

I, the African American, have a responsibility to my forefathers whose struggles I must continue to ward off hatred and bigotry.

I, the African American, descendant of Ishmael and Abraham, have a responsibility, to help my brothers and sisters when, and after, they fall by the wayside.

I, the African American, descendant of great kings and queens of Africa, am obligated to teach my children about our ancestors and their customs.

I, the African American, of dark complexion, have a responsibility for keeping my dark beautiful armor shined with Christ-like luster in my daily walk.

I, the African American, whose ancestors were great warriors, must become a great warrior against such things as drugs and gang violence.

I, the African American, come from a race which was so powerful, to cause a nation to change its views on segregation and rethink its views on desegregation.

I, the African American, great grandchild of great chiefs in Africa, have a responsibility to become the head of my family and to raise my children in such a manner that will enable my children to become great leaders.

I, the African American, come from a race which helped to build this country, have a responsibility to keep the talent alive and to build great buildings that will stand along side the great pyramids of Egypt.

I, the African American, whose forefathers came from a land rich in vegetation and animal life, have a responsibility to preserve that beauty so that my children will have the same opportunities to bathe in the beauty of nature that God has created for all to enjoy.

I, the African American, whose ancestors used as a part of their culture, great dances,

am obligated to pass this tradition and the history behind the dances on to my children.

I, the African American, come from a race where such powerful men and women laid down their lives so that I might be able to get a fair education, am obligated to attend a school of higher learning.

I, the African American, whose forefathers have been spit upon and smitten, all in the name of equality, just so you and I could stand here today, must be willing to display in return the same equal kindness that we have demanded, not just to men and women of the African American race, but to men and women of all races.

I, the African American, whose fathers and mothers can now become men of science, medicine, and law, am obligated to follow in their footsteps ensuring the best possible care, in order to preserve my history.

I, the African American, whose forefathers have died in wars when they were not allowed to drink from the same drinking fountain, yet were equal enough to share the same bullet, but couldn't be buried in the same cemetery, am obligated to become a great general of the Armed Forces, and even to become President of the United States of America.

My country 'tis of thee, sweet land of Liberty let it be known that if any changes are to occur, it must start with me—of Thee I sing. Land where my fathers died, land of every man's pride, from every mountain side, let freedom ring and ring.

Mr. HATCH. Mr. President, I want to echo the remarks of my colleague, Senator BENNETT, in sharing with the Senate the creed written by our fellow Utahn, Terry Harris. It is an inspiring declaration of personal integrity and determination. I join in commending Terry Harris. I urge all Americans to read it and carefully consider its message, not just to African Americans, but to all of us. In doing the right thing, the power of a single individual can make our country a better place.●

#### ORDER OF PROCEDURE

Mr. GRAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR WEDNESDAY, FEBRUARY 11, 1998

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, February 11, and immediately following the prayer the routine requests through the morning hour be granted, and the Senate immediately resume consideration of the cloture motion on the motion to proceed to S. 1601, the Human Cloning Prohibition Act, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.